IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 7301 of 1994

Between:

Garrison Engineer Vijayanagar,

104 Area, Visakhapatnam

..... PETITIONER

AND

1. Deputy Commissioner of Commercial Taxes,

Visakhapatnam.

2. Commercial Tax Officer Dwarakanagar Circle,

Visakhapatnam.

3. Deputy Commercial Tax Officer,

Gopalapatnam, Visakhapatnam

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ preferably *Writ of Mandamus* declaring the entire proceedings of destrainment of the Truck No.17C-2185-21858 are illegal, arbitrary, capricious and without authority of law and therefore, void abinitio and consequently direct the 3rd respondent to release the truck relating to Army.

Counsel for the Petitioner: MR. A. RAJASEKHARA REDDY, Senior Standing Counsel for Central Government

Counsel for the Respondent: G.P. for COMMERCIAL TAXES

The Court made the following:

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S. ANANDA REDDY

WRIT PETITION No.7301 OF 1994

ORDER: (Per The Hon'ble Sri Justice Bilal Nazki)

The petitioner is challenging the action of the respondents for issuing the proceedings dated 24.03.1994 under Section 9 of Andhra Pradesh Revenue Recovery Act, destraining the Truck No.17C-2185-21858W, which was an Army vehicle.

2. The counsel for the respondents submits that at present there is no such truck under attachment.

3. In view of that submission, we do not feel it necessary to keep the petition on Board, which is accordingly disposed of.

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(BILAL NAZKI,J)

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(S. ANANDA REDDY,J)

7th September, 2004

Ksn/Kvh

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. Deputy Commissioner of Commercial Taxes,

Visakhapatnam.

2. Commercial Tax Officer Dwarakanagar Circle,

Visakhapatnam.

3. Deputy Commercial Tax Officer,

Gopalapatnam, Visakhapatnam

4. Two CCs to G.P. for Commercial Taxes (O.U.T.)

5. Two CD copies.